

REMARKS

Further and favorable reconsideration is respectfully requested in this RCE application in view of the following comments. In accordance with the Advisory Action of February 27, 2003, it is understood that the Amendment After Final Rejection, filed February 7, 2003, has not been entered. Accordingly, the foregoing amendments are based on the state of the claims at the time of and prior to issuance of the Action of August 9, 2002.

Upon entry of these amendments, claims 1-4, 6-8, 11 and 14-16 will be pending.

Claim 1 is amended to include the feature previously recited in claim 5 and to provide a more positive recitation of the conditions (i), (ii) and (iii) in terms of "maintaining" or "metering" to achieve the stated concentrations and ratios. The dependencies of claims 6 and 8 has been changed to reflect the cancellation of claim 5.

New claims 14-16 are based on the embodiment from claim 5 and, now, claim 1, as disclosed on page 4, wherein the 6-APA is metered to the reaction mixture in order to maintain the concentration of the 6-APA within the specified amount.

It is respectfully submitted that the claims as amended would not have been *prima facie* obvious, under 35 USC §103, in view of WO 92/01061 (WO '061) taken with WO 95/03420 (WO '420).

The pending claims are patentable, at least for the reason that the cited prior art does not even remotely disclose or suggest metering either or both of the 6-APA or phenylglycine derivative to the reaction mixture. The practitioner of ordinary skill would not have been motivated to carry out the enzymatic reaction under these conditions because the cited references do not suggest that metering would be

effective to maintaining the concentration of 6-APA at lower than 300 mM or that maintaining the concentration of 6-APA in the reaction media at any particular concentration, including a concentration lower than 300 mM or 250 mM, would have a beneficial effect on the outcome of the reaction.

In addition, WO '061 does not describe a solution concentration, i.e., dissolved amount, of 6-APA, lower than 300 mM. Similarly, WO '420, does not describe the dissolved concentration of 6-APA being lower than 300 mM. Accordingly, the combined disclosures of the references must also fail to disclose this feature of the present invention.


Therefore, no proper case of *prima facie* obviousness has been established in the record. Accordingly, Applicants request withdrawal of this rejection of claims 1-10.

In view of the above amendments to the claims and the foregoing remarks, the Applicants respectfully assert that all of the Examiner's objections and rejections have been overcome. Accordingly, early and favorable notice of allowance of the present application with claims 1-4, 6-8, 11 and 14-16, is respectfully requested.

Respectfully submitted,

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